

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES E. HYMAN,)
)
Plaintiff,)
)
v.)
)
YESCARE CORP., VALITAS)
INTERMEDIATE HOLDINGS, INC.,)
CHS TX, INC., PERIGROVE, LLC,)
SARA TIRSCHWELL, SCOTT KING,)
ABRAHAM GOLDBERGER,)
YITZCHOK "ISAAC" LEFKOWITZ,)
and DAVID GEFNER,)
)
Defendants.)

JOINT MOTION TO STAY

Plaintiff James E. Hyman¹ and Defendants YesCare Corp., Valitas Intermediate Holdings, Inc., CHS TX, Inc., Scott King, Perigrove, LLC and David Gefner (“Represented Parties”)² jointly move to stay this case until August 11, 2023 to allow the Bankruptcy Court for the Southern District of Texas to conduct a hearing scheduled for August 10, 2023, which all Represented Parties believe will provide necessary further guidance on whether, how, and in what manner the claims in this action would proceed.

¹ By joining in this motion, Mr. Hyman is not expressing any opinion as to whether the Bankruptcy Court’s action is appropriate and authorized under the Bankruptcy Code, nor is he waiving any claim or defense with respect to the same.

² By joining this motion, Represented Parties Perigrove, LLC (“Perigrove”) and David Gefner (“Gefner”) do not waive, and specifically reserve, all defenses under Fed. R. Civ. P. 12, including but not limited to procedural defenses under Fed. R. Civ. P. 12(b)(1)-(5), which defenses shall be raised in the first responsive pleading or by motion to be filed thereby pursuant to Fed. R. Civ. P. 12(b).

Non-party Corizon Health, Inc. n/k/a Tehum Care Services, Inc. (“Debtor”) filed for bankruptcy in the Southern District of Texas under Case No. 23-90086. Via order dated March 3, 2023, the Southern District of Texas extended the automatic bankruptcy stay to certain claims in this case through May 18, 2023 and set an evidentiary hearing for May 17 to consider the relief requested in the Debtor’s Motion to Extend and Enforce the Automatic Stay.³ Although a hearing took place on May 17, 2023, the Southern District of Texas did not rule on the Debtor’s motion or hear evidence. The court continued the matter to August 10, 2023, extended the stay through August 10, and encouraged all interested parties to attempt to mediate the issue of whether the stay should be extended to the non-debtor parties. (See D.E. 32.)

Therefore, in the interests of judicial economy, efficiency, and conscious use of judicial resources, and for the reasons set forth in the Represented Parties’ prior Joint Motion (D.E. 25), the Court’s Order granting the same (D.E. 30), and the parties’ Joint Status Report (D.E. 32), the Represented Parties request a stay of these proceedings until August 11, 2023.

³ On February 17, 2023, the Debtor filed an Emergency Motion to Extend and Enforce the Automatic Stay seeking to extend the bankruptcy stay to certain non-debtor parties, including Defendants CHS TX, Inc., YesCare Corp., Scott King, Sara Tirschwell, Abraham Goldberger, Yitzchok “Isaac” Lefkowitz, and David Gefner. On March 23, 2023, the Debtor filed Adversary Case No. 23-03049, seeking the same relief as in its February 17, 2023 motion. That same day, the Debtor filed in the adversary proceeding a substantially similar version of its February 17, 2023 motion.

Respectfully submitted,

s/ Michael A. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing motion has been served via CM/ECF upon the following:

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on this the 24th day of May, 2023.

s/ Michael A. Johnson